

# News Release



U.S. Department of Labor  
Office of Public Affairs  
Dallas  
USDL 03-943-DAL

For Immediate Release  
Date: Dec. 17, 2003  
Contact: Sharon Morrissey  
Phone: (202) 693-8664

## **Labor Department Sues Albuquerque Company and Its 401(k) Plan Officials To Recover Delinquent Contributions**

**ALBUQUERQUE** – The U.S. Department of Labor sued Automated Solutions of Albuquerque, Inc., and the company's two 401(k) plan trustees for allegedly failing to forward \$9,111 in employee contributions to the plan.

"This legal action underscores the Labor Department's commitment to hold accountable those who are entrusted with the assets of workers' retirement plans," said Steve Eischen, director of the Department's Dallas regional office of the Employee Benefits Security Administration (EBSA), which investigated the violations of the Employee Retirement Income Security Act (ERISA).

The department's suit, filed in federal district court in Albuquerque, N.M., alleges that company president Mark Coffing and his father, Gordon Coffing, failed to remit contributions withheld from employees' paychecks and retained the assets with those of the company. Contributions either were forwarded late or not at all from December 1997 through March 2002.

The suit asks the court to require that the defendants offset their plan accounts to restore to the plan all losses with interest, transfer management of the plan to a court-appointed fiduciary independent with authority to marshal the plan's assets and distribute the proceeds to other participants. The suit also asks that the Coffings be barred from acting as fiduciaries to any employee benefit plan covered by ERISA.

Automated Solutions of Albuquerque is an S-Corporation classified by the Small Business Administration as Section 8 (a) small disadvantaged minority business. The company provides technical and software productions, staff automation and project management for its clients. There were 12 participants in the plan and assets totaling \$109,268.39 as of Dec. 31, 2001.

Employers and workers can contact the regional office at (214) 767-6831-4680 or through EBSA's toll free number, **1-866-444-EBSA (3272)**, for help with any problems relating to private-sector pension and health plans.

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(Chao v. Automated Solutions of Albuquerque)  
Civil Action No. CIV-03-1370 BRB ACT

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